



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
WWW.USPTO.GOV

Paper No. None

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
10940 WILSHIRE BOULEVARD  
LOS ANGELES CA 90024-4450

**COPY MAILED**

FEB 15 2005

**OFFICE OF PETITIONS**

In re Application of  
Allen Petroskey et al.

Application No. 10/686,210

Filed: October 15, 2003

Attorney Docket No.: COL/04

Title: WRITING INSTRUMENT WITH  
ROTATABLE DESIGN ELEMENT

DECISION ON PETITION  
UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed October 4, 2004, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed June 16, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time are permitted for transmitting issue or publication fees<sup>2</sup>. Accordingly, the above-identified application became abandoned on September 17, 2004.

With the petition, Petitioner has submitted the petition, publication, and issue fees<sup>3</sup>, as well as the proper statement of unintentional delay.

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

<sup>2</sup> See MPEP §710.02(e).

<sup>3</sup> An additional \$20 has been charged to Petitioner's Deposit Account to cover the issue fee deficiency, as authorized in the letter received February 4, 2005.

Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

The application file is being forwarded to the Office of Patent Publications for further processing into a patent.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



**Paul Shanoski**  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office

cc: SELDON,ROBERT  
Birch Stewart Kolasch and Birch LLP  
10940 Wilshire Blvd 18th Floor  
Los Angeles, CA 90024